

**347—38.6(94) Permissible fees charged by agency.**

**38.6(1)** The total amount charged to any applicant in any form by an agency shall not exceed 15 percent of the applicant's gross earnings from that employer for which the agency procured the job in any pay period for a period of time not to exceed the first 12 months from the date of employment. This subrule shall not apply to licensees exempted under Iowa Code section 94.6.

**38.6(2)** Fees due the agency are payable as earned, however, the applicant may knowingly agree to pay the fee in advance, with the full understanding that the applicant is not required to do so, and the agency guarantees to refund any amounts in excess of 15 percent of actual gross earnings, when ascertained. This subrule shall not apply to licensees exempted under Iowa Code section 94.6.

**38.6(3)** No licensee or any person connected therewith shall require any applicant to execute any negotiable instrument, assignment of earnings, or note except for that amount of fee which is past due to the licensee.

**38.6(4)** Each licensee shall keep conspicuously posted at its place of business, a copy of each schedule of fees on file with the commissioner. The schedules shall be printed in not less than 8-point type.

**38.6(5)** Applicants who have paid the fee in advance must be notified at their last known address by the licensee at the time they make the final payment on the fee that they may have a refund due if they have paid more than 15 percent of the gross earnings of their first year of employment. This rule shall not apply to licensees exempted under Iowa Code section 94.6.

**38.6(6)** The commissioner considers it to be contrary to public policy for employers to require applicants to contract with the employer to reimburse the employer for an employer paid fee. For positions where a representation is made to an applicant that the employer will pay the fee, the licensee shall guarantee that the fee payment shall be without cost to the applicant. Written notice of the provisions of this subrule shall be given to all applicants to which this subrule applies.

This rule is intended to implement Iowa Code section 94.6.